

[Federal Register: February 16, 1994]

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DEPARTMENT OF COMMERCE 50 CFR Parts 611, 675 and 676 [Docket No. 931100-4043;  
I.D. 110193D]

Foreign Fishing; Groundfish Fishery of the Bering Sea and Aleutian Islands;  
Limited Access Management of Federal Fisheries In and Off of **Alaska**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and  
Atmospheric Administration (NOAA), Commerce.

ACTION: Final 1994 initial specifications of groundfish and associated  
management measures; closures.

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SUMMARY: NMFS announces final specifications of total allowable catches  
(TACs), initial apportionments of TACs for each category of groundfish, and  
associated management measures in the Bering Sea and Aleutian Islands  
management area (BSAI) during the 1994 fishing year. This action is necessary  
to establish harvest limits and associated management measures for groundfish  
during the 1994 fishing year. NMFS also is closing specified fisheries  
consistent with the final 1994 groundfish specifications and fishery bycatch  
allowances of prohibited species. These measures are intended to conserve and  
manage the groundfish resources in the BSAI.

EFFECTIVE DATE: February 10, 1994 through 24:00 Alaska local time (A.l.t.) on  
December 31, 1994, or until changed by subsequent notice in the Federal  
Register. All closures to directed fishing are effective through 24:00 A.l.t.  
December 31, 1994.

ADDRESSES: Comments on directed fishing closures should be sent to Ronald J.  
Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box  
21668, Juneau, Alaska 99802-1668 (Attn: Lori Gravel). The final Environmental  
Assessment prepared for the 1994 TAC specifications may be obtained from the  
same address, or by calling 907-586-7229. The final Stock Assessment and  
Fishery Evaluation (SAFE) report may be requested from the North Pacific  
Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510  
(907-271-2809).

FOR FURTHER INFORMATION CONTACT: Ellen R. Varosi, Fishery Management  
Biologist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: Groundfish fisheries in the BSAI are governed by  
Federal regulations at 50 CFR part 675 that implement the Fishery Management  
Plan for the Groundfish Fishery of the BSAI (FMP). Other applicable  
regulations are found at 50 CFR 611.93 (foreign fishing) and 50 CFR part 676  
(limited entry fisheries off of Alaska). The FMP was prepared by the North  
Pacific Fishery Management Council (Council) and approved by the Secretary of  
Commerce (Secretary) under the Magnuson Fishery Conservation and Management  
Act (Magnuson Act).

The FMP and implementing regulations require the Secretary, after  
consultation with the Council, to specify annually the apportionments of  
prohibited species catch (PSC) limits among fisheries and seasons (Sec.  
675.21(b)), the TAC, initial domestic annual harvest (DAH), and initial total  
allowable level of foreign fishing (TALFF) for each target species and the  
``other species'' category (Sec. 675.20(a)(2)). The sum of the TACs must be  
within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons  
(mt) (Sec. 675.20(a)(2)). Specifications set forth in Tables 1-7 of this  
action satisfy these requirements. For 1994, the sum of TACs is 2,000,000 mt.

Proposed BSAI groundfish specifications and specifications for prohibited  
species bycatch allowances for the groundfish fishery of the BSAI were  
published in the Federal Register on November 17, 1993 (58 FR 60584). Comments

were invited through December 10, 1993. No written comments were received within the comment period. Verbal comments were received, and public consultation with the Council occurred during the Council meeting in Seattle, Washington, held December 6-10, 1993. Council recommendations and biological and economic data that were available at the Council's December meeting were considered in implementing the final 1994 specifications.

The specified TAC for each species is based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed current biological information about the condition of groundfish stocks in the BSAI at their September and December 1993 meetings. This information was compiled by the Council's BSAI Groundfish Plan Team and is presented in the final 1994 SAFE report for the BSAI groundfish fisheries, dated November 1993. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters. From these data and analyses, the Plan Team estimates an acceptable biological catch (ABC) for each species category.

A summary of the preliminary ABCs for each species for 1994 and other biological data from the September 1993 draft SAFE report were provided in the discussion supporting the proposed 1994 specifications. The Plan Team's recommended ABCs were reviewed by the SSC, AP, and Council at their September 1993 meetings. Based on the SSC's comments concerning technical methods and new biological data not available in September, the Plan Team revised its ABC recommendations in the final SAFE report dated November 1993. The revised ABC recommendations were again reviewed by the SSC, AP, and Council at their December 1993 meetings. While the SSC endorsed most of the Plan Team's recommendations for 1994 ABCs set forth in the final SAFE report, the SSC recommended revisions to ABC amounts calculated for Bogoslof pollock, Greenland turbot, and Atka mackerel. The Council adopted the SSC's recommendations for the 1994 ABCs. The final ABCs, listed in Table 1, reflect harvest amounts that will not cause overfishing as defined in the FMP.

Table 1.--Final 1994 Specifications of the Acceptable Biological Catch (ABC), Total Allowable Catch (TAC), Initial TAC (ITAC) Which Equal the Domestic Annual Processing (DAP), And Overfishing Levels Of Groundfish In The Bering Sea And Aleutian Islands Area.\1\2\

Species	Over fishing level	ABC	TAC	ITAC=DAP\3\
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Pollock:				
Bering Sea (BS).	1,330,000	1,330,000	1,130,500	1,590,000
Aleutian Islands (AI).....	56,600	56,600	48,110	60,400
Bogoslof District.....				
	31,750	1,000	850	31,750
Pacific cod.....	191,000	191,000	162,350	228,000
Sablefish:				
BS.....	540	540	459	670
AI.....	2,800	2,800	2,380	3,490
Atka mackerel TOTAL.	122,500	68,000	57,800	484,000
Western AI.....	53,900	10,000	8,500	.....
Central AI.....	55,125	44,525	37,846	.....
Eastern AI, BS..	13,475	13,475	11,454	.....
Yellowfin sole.....	230,000	150,325	127,776	269,000
Rock sole.....	313,000	75,000	63,750	363,000
Greenland turbot....	7,000	7,000	5,950	24,800
BS.....	.....	4,667	3,967	.....
AI.....	.....	2,333	1,983	.....
Arrowtooth flounder.	93,400	10,000	8,500	130,000
Other flatfish\4\...	225,000	56,000	47,600	270,000
Pacific Ocean perch:				
BS.....	1,910	1,910	1,624	2,920
AI.....	10,900	10,900	9,265	16,600
Other red rockfish:\5\				
BS.....	1,400	1,400	1,190	1,400
Sharpchin/Northern:				
AI.....	5,670	5,670	4,820	5,670
Shortraker/Rougheye:				
AI.....	1,220	1,220	1,037	1,220
Other rockfish:\6\				
BS.....	365	365	310	365
AI.....	770	770	655	770
Squid.....	3,110	3,110	2,644	3,110
Other Species\7\....	27,500	26,390	22,432	141,000
Totals.....	2,656,435	2,000,000	1,700,000	.....

\1\Amounts are in metric tons. These amounts apply to the entire Bering Sea (BS) and Aleutian Islands (AI) area unless otherwise specified. With the exception of pollock and for the purpose of these specifications, the BS includes the Bogoslof district.

\2\Zero amounts of groundfish are specified for Joint Venture Processing (JVP) and Total Allowable Level of Foreign Fishing (TALFF).

\3\Initial TAC (ITAC)=0.85 of TAC; initial reserve=TAC-ITAC=300,000 mt.

\4\`Other flatfish' includes all flatfish species except for Pacific halibut (a prohibited species) and all other flatfish species that have a separate specified TAC amount.

\5\`Other red rockfish' includes shortraker, rougheye, sharpchin, and northern.

\6\`Other rockfish' includes all Sebastes and Sebastolobus species except for Pacific ocean perch, sharpchin, northern, shortraker, and rougheye.

\7\`Other species' includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

The SSC's revisions to the ABCs recommended by the Plan Team for Bogoslof pollock, Greenland turbot and Atka mackerel are discussed below.

#### Bogoslof Pollock

The Plan Team indicated in the final 1994 SAFE report that the current estimate of biomass of Aleutian Basin pollock (490,000 mt) is the best estimate, assuming that no recruitment to the stock has occurred and that natural mortality (M) is 0.2. Reassessment of the Bogoslof area hydroacoustic survey with new threshold levels of abundance has not changed previous conclusions that this stock has declined since 1988. The Plan Team assumed that no recruitment occurred in 1993 or will occur in 1994, and projected a biomass for 1994 of 490,000 mt using  $M=0.02$ . The Plan Team then calculated the  $F < 0.35$  exploitation rate of 0.26 to derive an ABC of 127,000. The SSC, however, adjusted the exploitation rate downward by 25 percent to select a ratio of current biomass to optimal biomass. This leads to an ABC of 31,750. Due to lack of recruitment predicted for 1993 and 1994, the Council recommended a TAC of 1,000 mt to provide for bycatch in other groundfish operations.

#### Greenland Turbot

The Plan Team used a new stock synthesis model to estimate the ABC, which was updated with catch and survey data through October 1993. A more conservative exploitation rate of  $F < 0.40$  and an increased slope survey catchability coefficient of 0.75 was selected. These adjustments resulted in a conservative ABC of 17,200 mt. Continued poor recruitment and stock abundance levels lead the SSC to recommend a continuation of the present 7,000 mt ABC for this species. The Council concurred with this recommendation and set the TAC at 7,000 for this species. The Council further recommended apportioning two-thirds of the Greenland turbot TAC (4,667 mt) to the eastern Bering Sea, and one-third of the TAC (2,333 mt) to the Aleutian Islands in proportion to the biomass estimates in these areas. The Council's recommendation will spread fishing effort over a larger area.

#### Atka Mackerel

The SSC accepted the Plan Team's 1994 estimate of ABC (245,000 mt), although it expressed concern that the time series of trawl surveys is short and inconsistent in coverage. The SSC also was apprehensive about possible environmental problems that may result from an increased catch of the magnitude implied by the Plan Team's estimate of 1994 ABC. Atka mackerel is a prey species of northern fur seals and Steller sea lions. During their migrations, northern fur seals (a depleted species) feed heavily on Atka mackerel as they move through the Aleutian passes. Given these concerns, the SSC recommended to continue its 1992 and 1993 policy to phase in the Plan Team's estimate of ABC over a 6-year period by adopting the 1993 biomass estimate (816,000 mt) and raising the exploitation rate in steps. These incremental steps are as follows:  $(M)(1)/6$  in 1992,  $(M)(2)/6$  in 1993,  $(M)(3)/6$

in 1994, (M)(4)/6 in 1995, (M)(5)/6 in 1996 and M in 1997. According to this schedule, the recommended ABC for 1994 is  $(0.30/2)(816,000)=122,500$  mt. The main purpose of this approach is to postpone a large ABC increase until new survey estimates are available to evaluate the phase-in policy.

Amendment 28 to the BSAI FMP became effective August 11, 1993 (58 FR 37660, July 13, 1993). This amendment establishes three new management districts in the Aleutian Islands (AI) subarea (western, central, and eastern AI management districts) for the purpose of apportioning TAC of groundfish. The intent of this action is to improve TAC management, disperse fishing effort, and minimize the potential for undesirable effects of concentrated fishing effort. The Council recommended a 68,000 mt TAC for Atka mackerel in the BSAI in 1994. Based on the authority provided by Amendment 28, the Council recommended apportionment of the TAC for Atka mackerel among the AI management districts and the Bering Sea relative to survey biomass estimates: 10,000 mt in the western area; 44,525 mt in the central area; and 13,475 mt in the eastern area and Bering Sea combined. TAC Specifications The Council developed its TAC recommendations (Table 1) based on the final ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC in the required OY range of 1.4-2.0 million mt. Each of the Council's recommended TACs for 1994 is equal to or less than the final 1994 ABC for each species category. Therefore, NMFS finds that the recommended TACs are consistent with the biological condition of groundfish stocks. The final ABCs, TACs, ITACs, overfishing levels and initial apportionments of groundfish in the BSAI area for 1994 are given in Table 1 of this action. The apportionment of pollock TACs among fisheries and seasons is discussed below.

#### Apportionment of TAC

As required by Secs. 675.20(a)(3) and 675.20(a)(7)(i), each species' TAC initially is reduced by 15 percent. The sum of these 15 percent amounts is the reserve. The reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the ``other species'' category during the year, providing that such reapportionments do not result in overfishing.

The initial TAC (ITAC) for each target species and the ``other species'' category at the beginning of the year, which is equal to 85 percent of TAC, is then apportioned between the domestic annual harvest (DAH) category and the total allowable level of foreign fishing (TALFF). Each DAH amount is further apportioned between two categories of U.S. fishing vessels. The domestic annual processing (DAP) category includes U.S. vessels that process their catch on board or deliver it to U.S. fish processors. The joint venture processing (JVP) category includes U.S. fishing vessels working in joint ventures with foreign processing vessels authorized to receive catches in the U.S. exclusive economic zone.

In consultation with the Council, the initial amounts of DAP and JVP are determined by the Director, Alaska Region, NMFS (Regional Director). Consistent with the final notice of 1991-1993 initial specifications, the Council recommended that 1994 DAP specifications be set equal to TAC and that zero amounts of groundfish be allocated to JVP and TALFF. In making this recommendation, the Council considered the capacity of DAP harvesting and processing operations and anticipated that 1994 DAP operations will harvest the full TAC specified for each BSAI groundfish species category. Apportionment of the Pollock TAC to the Inshore and Offshore Components and to the Western Alaska Community Development Quota

Regulations at Sec. 675.20(a)(2)(iii) require that the 1994 pollock ITAC specified for the BSAI be allocated 35 percent to vessels catching pollock for

processing by the inshore component and 65 percent to vessels catching pollock for processing by the offshore component (Table 2). Definitions of these components are found at Sec. 675.2.

Table 2.--Seasonal Allowances of the Inshore and Offshore Component Allocations of Pollock TACs<SUP>1,2

Subarea	TAC	ITAC\3\	Roe season\4\ season\4\	Non-roe season\5\ Non-roe season\5\
Bering Sea:				
Inshore.....		95,675	178,054	217,621.
Offshore.....		734,825	330,671	404,154.
	1,330,000	1,130,500	508,725	621,775.
Aleutian Islands:				
Inshore.....		16,838	16,838	Remainder.
Offshore.....		31,272	31,272	Remainder.
	56,600	48,110	48,110	Remainder.
Bogoslof:				
Inshore.....		298	298	Remainder.
Offshore.....		552	552	Remainder.
	1,000	850	850	Remainder.

\1\TAC=total allowable catch.

\2\Based on an offshore component allocation of 0.65(TAC) and an inshore component allocation of 0.35(TAC).

\3\ITAC=initial TAC=0.85 of TAC;

\4\January 1 through April 15--based on a 45/55 split (roe=45%).

\5\August 15 through December 31--based on a 45/55 split (non-roe=55%).

Regulations at Sec. 675.20(a)(3)(ii) require one-half of the pollock TAC to be placed in the reserve for each subarea or district, or 7.5 percent of each TAC to be assigned to a Community Development Quota (CDQ) reserve for each subarea or district. Given the 1994 pollock TACs specified in Table 1, the 1994 CDQ reserve amounts for each subarea is as follows:

Pollock	BSAI subarea	CDQ (mt)
Bering Sea.....		99,750
Aleutian Islands.....		4,245
Bogoslof.....		75

Under regulations governing the CDQ program at Sec. 675.27, NMFS may allocate the 1994 pollock CDQ reserves to eligible Western Alaska communities or groups of communities that have an approved community development plan (CDP). The Secretary has approved six CDP's and associated percentages of the CDQ reserve for each CDP recipient for 1994 (58 FR 61031, November 19, 1993). Table 3 lists the approved CDP recipients, and each recipient's allocation of the 1994 pollock CDQ reserve for each subarea.

Table 3.--Approved Shares (%'s) and Resulting Allocations and Seasonal Allowances (Metric Tons) of the 1994 Pollock CDQ Reserve Specified for the Bering Sea (BS), Aleutian Islands (AI), and Bogoslof (BF) Subareas Among Approved CDP Recipients

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Roe season				
CDP Recipient	Percent	Area	Allocation	allowance<SUP>1
-----				
Aleutian Pribilof Island Community Development Assn...	18			
		BS	17,955	8,080
		AI	764	344
		BF	14	6
			-----	-----
Total.....			18,733	8,430
			=====	=====
Bristol Bay Economic Development Assn.....	20			
		BS	19,950	8,977
		AI	849	382
		BF	15	7
			-----	-----
Total.....			20,814	9,366
			=====	=====
Central Bering Sea Fishermen's Assn.....	8			
		BS	7,980	3,591
		AI	340	153
		BF	6	3
			-----	-----
Total.....			8,326	3,747
			=====	=====
Coastal Villages Fishing Coop.....	27			
		BS	26,933	12,120
		AI	1,146	516

			20	9
Total.....		BF	28,099	12,645
Norton Sound Economic Development Corp.....	20	BS	19,950	8,977
		AI	849	382
		BF	15	7
Total.....			20,814	9,366
Yukon Delta Fisheries Development Assn.....	7	BS	6,982	3,142
		AI	297	134
		BF	5	2
Total.....			7,284	3,278
Total.....	100	.....	104,070	46,832

\1\No more than 45 percent of a CDP recipient's 1994 pollock allocation may be harvested during the pollock roe season, January 1 through April 15.

#### Seasonal Allowances of Pollock TAC

Under Sec. 675.20(a)(2)(ii), the ITAC of pollock for each subarea or district of the BSAI area is divided, after subtraction of reserves (Sec. 675.20(a)(3)), into two allowances. The first allowance will be available for directed fishing from January 1 to April 15 (roe season). The second allowance will be available from August 15 through the end of the fishing year (non-roe season).

The Council recommended that the 1994 seasonal allowances of pollock be set at the same relative levels as in 1993 with 45 percent of the pollock ITAC specified for each management subarea or district during the roe season and 55 percent during the non-roe season (Table 2). Although the Council is authorized under Sec. 675.20(a)(7)(ii) to recommend seasonal allowances of the 1994 CDQ pollock reserve, it did not take such action at its December 1993 meeting. Therefore NMFS is limiting the 1994 fishery to 45 percent of the CDQ reserve during the roe season, consistent with the seasonal split recommended by the Council for the inshore/offshore pollock fisheries.

When specifying seasonal allowances of the pollock TAC, the Council and the Secretary consider the following nine factors as specified in section 14.4.10 of the FMP:

1. Estimated monthly pollock catch and effort in prior years;
2. Expected changes in harvesting and processing capacity and associated pollock catch;

3. Current estimates of, and expected changes in, pollock biomass and stock conditions; conditions of marine mammal stocks; and biomass and stock conditions of species taken as bycatch in directed pollock fisheries;
4. Potential impacts of expected seasonal fishing for pollock on pollock stocks, marine mammals, and stocks and species taken as bycatch in directed pollock fisheries;
5. The need to obtain fishery data during all or part of the fishing year;
6. Effects on operating costs and gross revenues;
7. The need to spread fishing effort over the year, minimize gear conflicts, and allow participation by various elements of the groundfish fleet and other fisheries;
8. Potential allocative effects among users and indirect effects on coastal communities; and
9. Other biological and socioeconomic information that affects the consistency of seasonal pollock harvests with the goals and objectives of the FMP.

A discussion of these factors relative to the roe and non-roe seasonal allowances (45 and 55 percent of the TAC, respectively) was contained in the final 1993 specifications for BSAI groundfish (58 FR 8703, February 17, 1993). Considerations under these factors remain unchanged from 1993 given that the relative seasonal allowances for 1993 and 1994 are the same.

#### Apportionment of Pollock TAC to the Non-Pelagic Trawl Gear Fishery

Regulations under Sec. 675.24(c)(2) authorize the Secretary, in consultation with the Council, to limit the amount of pollock TAC that may be taken in the directed fishery for pollock using non-pelagic trawl gear. This authority is intended to reduce the amount of halibut and crab bycatch that occurs in non-pelagic trawl operations.

Regulations were implemented during 1993 to more effectively limit the bycatch of halibut and crab when directed fishing for pollock with non-pelagic trawl gear is closed (58 FR 39680, July 26, 1993). Given these regulatory constraints, the Council did not recommend limiting the amount of pollock TAC that may be taken in the 1994 directed fishery for pollock by vessels using non-pelagic trawl gear. NMFS concurs in the Council's recommendation, and no limit on the amount of pollock TAC that may be taken in the directed fishery for pollock using non-pelagic trawl gear is specified.

#### Allocation of the Pacific Cod TAC

At its June 1993 meeting, the Council adopted Amendment 24 to the FMP, which authorizes fixed allocations of the Pacific cod TAC among vessels using trawl gear, hook-and-line gear or pot gear, and jig gear. A final rule implementing Amendment 24 was published in the Federal Register on January 28, 1994 (59 FR 4009). That final rule specifies gear allocations of the 1994 Pacific cod TAC and seasonal apportionments of the amount of Pacific cod TAC allocated to vessels using hook-and-line or pot gear.

#### Sablefish Gear Allocation

Regulations under Sec. 675.24(c)(1) require that sablefish TACs for the Bering Sea and Aleutian Islands subareas be divided between trawl and hook-and-line/pot gear fisheries. Gear allocations of TACs are specified in the following proportions: Bering Sea subarea: trawl gear--50 percent; hook-and-line/pot gear--50 percent, and Aleutian Islands subarea: trawl gear--25 percent; hook-and-line/pot gear--75 percent (Table 4).

Table 4.--1994 Gear Shares of BSAI Sablefish TAC

Subarea	Gear	Percent of TAC	Share of TAC (mt)	Share of ITAC (mt)\1\
Bering Sea\2\	Trawl	50	270	230
	Hook-and-line/pot gear	50	270	229
Aleutian Islands	Trawl	25	700	595
	Hook-and-line/pot gear	75	2,100	1,785

\1\Initial TAC (ITAC)=0.85 of TAC, rounded to the nearest whole mt; 0.15 of TAC is apportioned to reserve. The sum of both ITAC gear shares in a subarea is equal to the ITAC for that subarea in Table 1.

\2\Includes Bogoslof district.

Allocation of Prohibited Species Catch (PSC) Limits for Crab, Halibut, and Herring

PSC limits of red king crab and *C. bairdi* Tanner crab in Bycatch Limitation Zones (50 CFR 675.2) of the Bering Sea subarea, and for Pacific halibut throughout the BSAI area are specified under Sec. 675.21(a). At this time, the 1994 PSC limits are: --200,000 red king crabs for Zone 1 trawl fisheries; --one million *C. bairdi* Tanner crabs for Zone 1 trawl fisheries; --three million *C. bairdi* Tanner crabs for Zone 2 trawl fisheries; --3,775 mt mortality of Pacific halibut for the BSAI trawl fisheries; --900 mt mortality of Pacific halibut for BSAI non-trawl fisheries; and --1,962 mt Pacific herring for BSAI trawl fisheries. The PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass. The best estimate of 1994 herring biomass is 196,229 mt. This amount was derived using 1993 survey data and an aged structured biomass projection model developed by the Alaska Department of Fish and Game (ADF&G). Complete analysis of the 1993 spawning data was provided by the ADF&G at the Council's December 1993 meeting. Therefore, the herring PSC limit for 1994 is 1,962 mt.

Regulations under Sec. 675.21(b) authorize the apportionment of each PSC limit into bycatch allowances for specified fishery categories. Regulations at Sec. 675.21(b)(1)(iii) specify seven fishery categories (midwater pollock, Greenland turbot/arrowtooth flounder/ sablefish, rock sole/other flatfish, yellowfin sole, rockfish, Pacific cod, and bottom pollock/Atka mackerel/'other species'). Regulations at Sec. 675.21(b)(2) authorize the apportionment of the non-trawl halibut PSC limit among three fishery categories (Pacific cod hook-and- line fishery, groundfish pot gear fishery, and other non-trawl fisheries). The PSC allowances are listed in Table 5. In general, the fishery bycatch allowances listed in Table 5 reflect the recommendations made to the Council by its AP. These recommendations were based on 1993 bycatch amounts,

anticipated 1994 harvest of groundfish by trawl gear and fixed gear, anticipated changes in fishery bycatch needs pending approval of a final rule implementing Amendment 24, and assumed halibut mortality rates in the different groundfish fisheries based on analyses of 1991-1993 observer data.

In 1993, NMFS exempted groundfish pot gear fisheries from halibut bycatch restrictions in Amendment 21 to the FMP (March 18, 1993, 58 FR 14524). During 1993, the halibut mortality associated with this groundfish catch was 2.5 mt, based on an assumed halibut mortality rate of 5 percent. The Council recommended continuing to exempt groundfish pot gear fisheries from halibut bycatch restrictions during the 1994 fisheries.

Table 5.--Final 1994 Prohibited Species Bycatch Allowances for the BSAI Trawl and Non-Trawl Fisheries

	Zone 1	Zone 2	BSAI-wide
-----			
Trawl fisheries:			
Red king crab, number of animals:			
Yellowfin sole.....	40,000	.....	.....
Rcksol/oth.flat\1\.....	110,000	.....	.....
Turb/arrow/sab\2\.....	0	.....	.....
Rockfish.....	0	.....	.....
Pacific cod.....	10,000	.....	.....
Plck/Atka/othr\3\.....	40,000	.....	.....
	-----		
Total.....	200,000	.....	.....
C. bairdi Tanner crab, number of animals:			
Yellowfin sole.....	175,000	1,275,000	.....
Rcksol/oth.flat.....	475,000	260,000	.....
Turb/arrow/sabl.....	0	5,000	.....
Rockfish.....	0	10,000	.....
Pacific cod.....	175,000	200,000	.....
Plck/Atka/othr.....	175,000	1,250,000	.....
	-----		
Total.....	1,000,000	3,000,000	.....
Pacific halibut, mortality (mt):			
Yellowfin sole.....	.....	.....	592
Rcksol/oth.flat.....	.....	.....	688
Turb/arrow/sabl.....	.....	.....	137
Rockfish.....	.....	.....	201

Pacific cod.....	1,200
Plck/Atka/othr.....	957
	-----
Total.....	3,775

Pacific herring, mt:

Midwater pollock.....	1,419
Yellowfin sole.....	332
Rcksol/oth.flat.....	0
Turb/arrow/sabl.....	0
Rockfish.....	8
Pacific cod.....	25
Plck/Atka/othr\4\.....	178
	-----
Total.....	1,962

Non-trawl fisheries:

Pacific halibut, mortality (mt):

Pacific Cod.....	725
Other non-trawl.....	175
Groundfish Pot Gear.....	(\5\)
	-----
Total.....	900

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- \1\Rock sole and other flatfish fishery category.
  - \2\Greenland turbot, arrowtooth flounder, and sablefish fishery category.
  - \3\Pollock, Atka mackerel, and ``other species'' fishery category.
  - \4\Pollock other than midwater pollock, Atka mackerel, and ``other species'' fishery category.
  - \5\Exempt.

Seasonal Apportionments of PSC Limits

Regulations at Sec. 675.21(b)(3) authorize the Secretary, after consultation with the Council, to establish seasonal apportionments of prohibited species bycatch allowances among the fisheries to which bycatch has been apportioned. Under Sec. 675.21(b)(3), the basis for any such apportionment must be based on the following types of information:

1. Seasonal distribution of prohibited species;
2. Seasonal distribution of target groundfish species relative to prohibited species distribution;
3. Expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;

4. Expected variations in bycatch rates throughout the fishing year;
5. Expected changes in directed groundfish fishing seasons;
6. Expected start of fishing effort; or
7. Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

At its December 1993 meeting, the Council recommended that the halibut bycatch allowances listed in Table 5 be seasonally apportioned as shown in Table 6, for yellowfin sole, rock sole/other flatfish, rockfish, and pollock/Atka mackerel/'other species' fishery categories. The recommended seasonal apportionments reflect recommendations made to the Council by its AP.

The AP recommended seasonal apportionments of the halibut bycatch allowances specified for the yellowfin sole, and rocksole/other flatfish fishery categories in anticipation of a 1994 rulemaking that would adjust the season opening date for the BSAI yellowfin sole and ``other flatfish'' fisheries from May 1 to January 20. At its December 1993 meeting, the Council recommended that this action be implemented early in 1994 under an emergency interim rule. The intent of the recommended season adjustment is to provide additional fishing opportunities in the BSAI early in the year and reduce the incentive for trawl vessel operators to move from the BSAI to the Gulf of Alaska after the rock sole roe fishery is closed, typically by the end of February.

The AP recommended that 20 percent of halibut bycatch be apportioned to the rockfish fishery during the periods January 20 through April 1, and July 1 to December 31, and that 60 percent of the halibut bycatch be apportioned during the period April 1 through July 1. The AP's recommendation was intended to provide a greater opportunity for participants in this fishery to more fully harvest TAC amounts of all rockfish species within these recommended halibut bycatch apportionments.

The AP's recommended seasonal apportionment of the halibut bycatch allowance for the pollock/Atka mackerel/'other species' fishery category is based on the seasonal allowances of the Bering Sea pollock ITAC recommended for the roe and non-roe seasons, and the assumption that most of the pollock taken during the roe season will be taken with pelagic trawl gear with reduced halibut bycatch rates.

The AP recommended a seasonal apportionment of the halibut bycatch allowance specified for the Pacific cod hook-and-line gear fishery based on:

- (1) Anticipation that the proposed allocation of Pacific cod TAC among gear groups under Amendment 24 will be approved;
- (2) Most of the hook-and-line gear effort for Pacific cod will occur during the first half of 1994; and
- (3) The Council's desire to limit a hook-and-line fishery for Pacific cod during summer months when halibut bycatch rates are high.

NMFS approves the Council's recommendations for prohibited species bycatch allowances and seasonal apportionments. The seasonal apportionments of the halibut bycatch allowances are intended to increase the harvest of the groundfish OY by providing for directed groundfish fisheries when catches per unit of effort are high and corresponding halibut species bycatch rates are relatively low.

Table 6.--Final Seasonal Apportionments of the 1994 Pacific Halibut Bycatch Allowances for the BSAI Trawl and Non-Trawl Fisheries. All Allowances and Apportionments Other Than Those on January 1 and December 31 Begin and End at 12:00 Noon, Alaska Local Time

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Fishery	Seasonal bycatch allowances (mt halibut)
-----	
Trawl Gear:	
Yellowfin sole	
Jan. 20-Aug. 02.....	230
Aug. 02-Dec. 31.....	362
	-----
Total.....	592
Rock sole/`other flatfish'	
Jan. 20-Mar. 29.....	428
Mar. 29-Jun. 28.....	180
Jun. 28-Dec. 31.....	80
	-----
Total.....	688
Turbot/arrowtooth flounder/sablefish.	
	-----
Total.....	137
Rockfish	
Jan. 20-Apr. 01.....	40
Apr. 01-Jul. 01.....	120
Jul. 01-Dec. 31.....	41
	-----
Total.....	201
Pacific cod	
Jan. 20-Dec. 31.....	1,200
Total.....	1,200
Pollock/Atka mackerel/ `other species'.....	
Jan. 20-Apr. 15.....	430
Apr. 15-Dec. 31.....	527
	-----
Total.....	957
Total Trawl Halibut Mortality.....	3,775
Non-Trawl Gear:	
Pacific cod<SUP>2	
Jan. 01-Apr. 30.....	685
Apr. 30-Aug. 31.....	40
Aug. 31-Dec. 31.....	<SUP>(3)
	-----
Total.....	725
Other Non-trawl.....	175
Groundfish pot.....	<SUP>(4)
Total Non-trawl Halibut Mortality.....	900
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\2\Pending approval of Amendment 24, Pacific cod will be apportioned among

three 4-month periods for 1994.

\3\Remainder.

\4\Exempt.

For purposes of monitoring the fishery halibut bycatch mortality allowances specified in Table 6, the Regional Director will use observed halibut bycatch rates and reported and observed groundfish catch to project when a fishery's halibut bycatch mortality allowance is reached. The Regional Director monitors the fishery bycatch mortality allowances using assumed mortality rates that are based on the best information available, including that contained in the final annual SAFE report.

Assumed halibut mortality rates for halibut bycatch in 1994 are listed in Table 7. These rates are similar to those used in 1993 and reflect mandatory careful release measures implemented during 1993 for the hook-and-line gear fisheries (58 FR 28799, May 17, 1993). The derivation of mortality rates assumed for the trawl fishery is discussed in the preamble to the final rule implementing halibut bycatch mortality limits (58 FR 14524, March 18, 1993). Assumed rates for the hook-and-line gear fishery are explained in the rule implementing careful release procedures. Analysis of 1992 and 1993 observer data suggest that mortality rates for the hook-and-line gear fishery generally continue to reflect 1993 assumed rates. The assumed mortality rates listed in Table 7 reflect recommendations by the Council after review of the International Pacific Halibut Commission and SSC recommendations. NMFS concurs with the Council's recommendations as the best available information for 1994.

Table 7.--Assumed Pacific Halibut Mortality Rates for the BSAI Fisheries During 1994

	Observed vessels (percent)	Unobserved vessels (percent)
-----		
Hook-and-Line Gear Fisheries:		
BSAI Pacific cod.....	12.5	15.0
BSAI Other Hook-and-line.....	12.5	15.0
Trawl Gear Fisheries (Assumed Mortality rates are unchanged from 1993):		
Midwater pollock.....		80.0
Atka mackerel, rock sole, yellowfin sole, other flatfish.....		70.0
Pacific cod, bottom pollock, rockfish.....		60.0
Arrowtooth, Greenland turbot, sablefish, other species.....		40.0
Pot Gear Fisheries.....		5.0
-----		

#### Groundfish PSC Limits

No PSC limits for groundfish species are specified in this action. Section 675.20(a)(6) authorizes NMFS to specify PSC limits for groundfish species or species groups for which the TAC will be completely harvested by domestic fisheries. These PSC limits apply only to JVP or TALFF fisheries. At this time, no groundfish are allocated to either JVP or TALFF and specifications of groundfish PSC limits are unnecessary.

Closures to Directed Fishing

Fishing for groundfish in the Bering Sea and Aleutian Islands is authorized from January 1 through December 31, with the following exceptions (Sec. 675.23):

- (1) Directed fishing for yellowfin sole, ``other flatfish,'' arrowtooth flounder, and turbot is authorized from May 1, 1994 to December 31, 1994, subject to the other provisions in the BSAI regulations;
- (2) Fishing for groundfish with trawl gear in the BSAI is prohibited until January 20, 1994;
- (3) Directed fishing for pollock by the inshore and offshore components, defined at Sec. 675.2, is authorized from January 1, 1994, through April 15, 1994, and August 15, 1994, through the end of the fishing year;
- (4) Directed fishing for pollock under the Western Alaska Community Development Quota Program is authorized from January 1, 1994, through the end of the fishing year (Sec. 675.23(e)); and
- (5) Directed fishing with trawl gear in Zone 1 for rockfish, Greenland turbot, arrowtooth flounder and sablefish is closed as there is no PSC to support this fishery (Table 5).

In addition to these regulatory closures, the Council and NMFS annually recommend closures to directed fishing for species needed as bycatch amounts in other directed fisheries. A principal consideration for the Council in developing its 1994 TAC recommendations was ensuring that the sum of the species TACs did not exceed the maximum OY of 2 million mt. After consideration of the amount of each species category TAC that is required for bycatch in other directed fisheries, the Council and NMFS recommended that TAC amounts specified for the following species be closed to directed fishing: (1) Pacific ocean perch in the Bering Sea; (2) other red rockfish in the Bering Sea; (3) shortraker/rougheye in the Aleutian Islands; (4) other rockfish in the Bering Sea and Aleutian Islands; (5) arrowtooth flounder in the BSAI; and (6) pollock in the Bogoslof district. Species or species groups identified in Table 8 will be necessary as incidental catch to support other anticipated groundfish fisheries and TAC amounts for these species will be used for bycatch purposes only. If NMFS determines the full TAC amount will not be used as bycatch, NMFS may open a directed fishery for that species.

Table 8.--Closures to Directed Fishing Under 1994 Interim TACs\1\

Fishery (all gear)	Closed area
Pollock in Bogoslof District.....	Statistical Area 518.
Pacific ocean perch.....	Bering Sea.
Shortraker/rougheye rockfish.....	AI.
Other rockfish\2\.....	BSAI.
Other red rockfish\3\.....	Bering Sea.
Rockfish, Greenland turbot/ arrowtooth/sablefish.	Zone 1.
Arrowtooth.....	BSAI.

\1\These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR Part 675.

\2\In the BSAI, ``Other rockfish'' includes *Sebastes* and *Sebastolobus* species except for Pacific ocean perch and the ``other red rockfish'' species.

\3\``Other red rockfish'' includes shortraker, rougheye, sharpchin and northern.

#### Expiration of Interim 1994 Specifications

Regulations under Sec. 675.20 (a)(7)(i) authorize one-fourth of each ITAC and apportionment thereof, one-fourth of each PSC allowance, and the first seasonal allowance of pollock to be in effect on January 1 on an interim basis and to remain in effect until superseded by final initial specifications for 1994. The final 1994 initial groundfish harvest specifications and prohibited species bycatch allowances implemented under this action supersede the interim 1994 specifications published in Tables 1 and 4 of the proposed specifications (58 FR 60584, November 17, 1993).

#### Response to Comments

Written comments on the proposed 1994 specifications and other management measures were requested through December 10, 1993. No written comments were received.

#### Classification

This action is authorized under 50 CFR 611.93(b), 675.20, and 676; and is covered by the regulatory flexibility analysis prepared for the implementing regulations.

A draft environmental assessment (EA) on the allowable harvest levels set forth in the final 1994 SAFE report was available for public review at the December 6-10, 1993, Council meeting. A final EA was prepared on the final 1994 TAC amounts recommended by the Council.

Consultation pursuant to section 7 of the Endangered Species Act was conducted for the 1994 BSAI initial specifications and concluded that the fishing activities conducted will not impact endangered or threatened marine mammal species in any manner not already evaluated in previous formal consultations.

List of Subjects 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Parts 675 and 676

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 et seq.

Dated: February 10, 1994.

Charles Karnella, Acting Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

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